

रजिस्टर्ड नं० एस० एम० १४.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 26 अक्टूबर, 1974/4 कार्तिक, 1896

GOVERNMENT OF HIMACHAL PRADESH

LABOUR DEPARTMENT

NOTIFICATION

Simla-171002, the 16th October, 1974

No. 10-55/73-SI.—In exercise of the powers conferred by section 64 read with section 112 of the Factories Act, 1948 (LXIII of 1948), the Governor, Himachal Pradesh is pleased to make the following rules entitled as the Himachal Pradesh (Factories) Exempting 1974, the same having been previously published in Himachal Rajpatra *vide* this Department notification No. 1055/73-SI, dated the 12th February, 1974.

RULES

Short title,
extent and
commence-
ment.

1. (i) These rules may be called the Himachal Pradesh (Factories) Exempting Rules, 1974.

(ii) They extend to the whole of the State of Himachal Pradesh.

(iii) They shall come into force at once and shall remain in force for a period of three years from the date of their enforcement.

Definitions

2. In these rules, unless the context otherwise requires,—

(a) 'Act' means the Factories Act, 1948 ;

(b) 'Chief Inspector' means the Chief Inspector of Factories, Himachal Pradesh;

(c) 'Manager' means the person responsible to the occupier for the working of the factory for the purpose of the Act.

Persons de-
emed to
hold posi-
tions of
supervision
or manage-
ment.

3. The following persons shall be deemed to hold position of supervision or management:—

(a) All persons specified in the Schedule annexed hereto.

(b) Any person, who in the opinion of the State Government holds a position of supervision or management and is so declared by it in writing.

SCHEDULE

List of persons to hold positions of supervision or management in factories.

1. Manager.
2. Assistant Manager.
3. Engineer.
4. Foreman.
5. Weaving Masters and Spining Masters in Textile Mills.
6. Head Electrician.
7. Departmental Heads.
8. Deputy Manager.
9. Assistant Engineer.
10. Secretary to the Managing Agent.
11. Personal Assistant to the General Manager.
12. Overseer.
13. Supervisor.
14. Paper Maker.
15. Watch and Ward Officer.
16. Labour Welfare Officer.
17. Head Sotre-keeper.
18. Head Time Keeper or Time-Keeper where there is no post of Head Time Keeper.
19. Line Superintendents.
20. Power House Superintendents.
21. Assistant Foreman (where there is no Foreman).
22. Telephone Supervisor.
23. Permanent Way Inspector.

4. The following persons shall be deemed to hold confidential position in the factory:—

Persons employed in confidential position.

- (i) Stenographer attached to the Head of Department.
- (ii) Office Superintendent.
- (iii) Head Clerk where there is no Office Superintendent.
- (iv) Head Munim where there is no Office Superintendent or Head Clerk.
- (v) Head Accountant or Accountant, where there is no Head Assistant.
- (vi) Head Time Keeper or Time Keeper where there is no Head Time Keeper.
- (vii) Cashier.
- (viii) Any other person who in the opinion of the State Government holds a confidential position and is so declared by it in writing.

5. Adult workers engaged in factories specified in column 2 of the Schedule hereto annexed in the work specified in column 3 of the said Schedule shall be exempted from the provisions of the section specified in column 4 subject to the conditions if any, specified in column 5 of the said Schedule.

Exemption of certain adult workers.

In the absence of a worker who has failed to report for duty in factories, in which any work should be carried out continuously for technical reason a shift worker shall be allowed to work the whole or part of the subsequent shift subject to a maximum of eight hours in the subsequent shift, irrespective of the restrictions imposed in clauses (i) and (ii) of subsection (4) of section 64 of the Act, provided that—

- (i) the next shift of the shift worker shall not commence before a period of eight hours has elapsed ;
- (ii) within 24 hours of the commencement of the subsequent shift notice shall be sent to the Inspector explaining the circumstances under which the worker is required to work in the subsequent shift ;
- (iii) the exemption will be restricted to only male adult workers;
- (iv) total number of hours of overtime shall not exceed fifty for any one quarter ;
- (v) double wages for overtime work done beyond nine hours per day and 48 hours per week shall be paid in all cases as required by section 59 of the Act,

SCHEDULE

| Section of the Act empowering grant of exemption | Class of Factory | Nature of exempted work | Extent of exemption | Remarks |
|--|------------------|--|-----------------------------------|--|
| 1 | 2 | 3 | 4 | 5 |
| 64 (2) (a) & 64 (3). | All Factories | Urgent repairs | Sections 51, 52, 54, 55, 56 & 61. | (i) No worker shall be employed on such repairs for more than 15 hours on any day, 39 hours during any three consecutive days or 66 hours during each period of seven consecutive days commencing from his first employment on such repairs. |
| 64 (2) (b) & 64 (3). | All Factories | (i) Work in the mechanic shop, the smithy or the foundry or in connection with the mill gearing, the electric driving or lighting apparatus, the mechanical or electrical lifts or the steam or water pipes or pumps of a factory. (ii) Work of examining for repairing any machinery or other part of the plant which is necessary for carrying on the work in factory. (iii) Work in boiler house and engine rooms, such as lighting fires in order to raise steam or generate gas preparatory to the commencement of regular work in the factory. | | (ii) Within 24 hours of the commencement of the work notice shall be sent to Inspector describing the nature of the urgent repairs and the period probably required for their completion. |

64 (2) (c) All Factories
& 64 (3).

Work performed by drivers on lighting, ventilating and humidifying apparatus Sections 51, 54, 55 & 61.
Work performed by fire pumpman. Work of persons engaged in loading or unloading raw materials or finished articles in factories where such work is intermittent and mainly outside the factory premises.

64 (2) (d) Oil tank installations
& 64 (3).

Work performed by workers in connection with pumping operations.

Sections 51, 52, 54, 55, 56 & 61.

(i) Total daily hours of work shall not exceed 10 and the total hours of overtime work shall not exceed 50 in any quarter, the total spread over being limited to 12 hours in any one day.

Hydro Electric Public Supply Factories.

Operations and maintenance of prime mover and auxiliaries transformers and switches.

Sections 52, 54, & 55.

(ii) The minimum interval or rest of half an hour shall be given at any time during the working hours.

Public Electric Supply Companies, electricity generating for oil in internal combustion engines.

The work of engine drivers and assistants, generator attendants, oils and greasers switch board operators and pumpmen.

(iii) The weekly hours shall not exceed 56.

64 (2) (d) Electric Transforming
& 64 (3). Factories.

The work viz. operation and maintenance of transforming plant switches and synchronour condensers.

(iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate of twice the ordinary rates of pay in accordance with the provisions of sub-section (1) of section 59 of the Act.

| | | | |
|--------------------|---|---|--|
| Distilleries | Work on extraction— (a) of sugar from various basis, fermentation of sugar juice and distillation of fermented wash; (b) work on boilers, engine motors, switch boards and pumps; (c) working of molasses; (d) fermentation of wash; (e) yeast propagation; (f) distillation process. | Sections 52, 54 & 55 Sections 51, 52, 54 & 55. -do- -do- -do- -do- | (iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate of twice the ordinary rates of pay in accordance with the provisions of sub-section (1) of section 59 of the Act. |
| Sugar Factories | Extraction of the juice from the cane, clarification evaporation and boiling of the miceduring of the massecuite begging. | -do- | (i) Total daily hours of work shall not exceed 10 and the total hours of overtime work shall not exceed 50 in any quarter, the total spread over being limited to 12 hours in any one day. |
| Chemical Factories | Work on sulphur burners, chambers, concentrators and pumps; roasting furnace, the manufacture of hydrochloric and nitric acid, sulphates sulphides, nitrates, super phosphates and chlorides, work on the steam service. | | (ii) The minimum interval or rest of half an hour shall be given at any time during the working hours. (iii) The weekly hour shall not exceed 56. (iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate of twice the ordinary rates of pay in accordance with the provisions of sub-section (1) of section 59 of the act. |

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| Vegetable oil and hydrogenation Factories. | The work viz. refining, bleaching, filtering, generation of hydrogen, hydrogenating and deorising process, also compression of oxygen and the cylinder filling and work on the electric power plant. | Sections 51, 52, 54 & 55. | (iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate of twice the ordinary rates of pay in accordance with the provisions of sub-section (1) of section 89 of the act. |
| Ice Factories | Work of the engine & compressor drivers & assistants and oilers. | Sections 52, 54 & 55. | (i) Total daily hours of work shall not exceed ten and the total hours of overtime work shall not exceed 50 in any quarter the total spread over being limited to 12 hours in any one day. |
| Oil Mills | All work | Sections 54 & 55. | |
| Flour Mills | All work | Sections 52 & 55. | |
| Glass Factories | Working in attending furnace. | Sections 52 & 53. | (ii) The minimum interval or rest of half an hour shall be given at any time during the working hours. |
| | All work and processes from mixing of batch to removal of the manufactured glassware from the lears. | Section 52 | |
| Paper Factories | All work on paper making machinery and on the generation and supply of power connected therewith. | Sections 54 & 55. | (iii) The weekly hours shall not exceed 56. |
| | Work on choppers, digesters, kneaders, stainers and washers, beaters, paper making machines, pumping plant reelers, cutters and power plant. | | (iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate twice the ordinary rates of pay in accordance with the provision of sub-section (1) of section 59 of the Act. |

| 1 | 2 | 3 | 4 | 4 |
|-------------------------------------|-----------|---|--------------------------------------|--|
| Rubber tories. | Tyre Fac- | All work on carrying pro- cess. | Sections 55 | |
| Iron & Steel tories. | Fac- | All work on steel furnaces. | Sections 51, 52, 54, 55 & 56. | |
| Breweries. | | Work on— (a) Boilers, engines and pumps. (b) melting coppers, hop- back coolers, refrigerators, yeast propagation. | Sections 51, 52, 54 & 55. -do- | |
| Rosin & Turpen- tine Factories. | | Work on— (a) boilers, engine, pumps, dynamours, motors & switch boards. (b) distillation of resin. (c) refining of turpen- tine. (d) filtration and casking of resin. | | |
| Textile Mills | | Work on dyeing, bleaching & finishing. | Sections 52, 54 & 55. | |
| 64 (2) (f) Brick kilns & 64 (3). | | Work on brick moulding and work of firemen and coal coolies. | Section 52. | (i) No worker be employed more than 10 hours on any one day. (ii) half an hour for food and rest shall be given on each working day to all workers employed on such work. (iii) No worker shall be employed for more than 14 consecutive days without a rest; period of at least 24 hours but the holiday so lost shall be compensated within a period of 3 months. |

64 (2) (j) All Factories
& 64 (3).

Loading and unloading of railway wagons. Sections 51,
52, 54, 55,
56 & 61.

(iv) The exemption shall not apply in the case of female workers.

No worker shall be allowed to work more than 60 hours per week.

EXPLANATIONS

1. The following shall be considered to be urgent repairs:—
 - (a) Repairs to any part of machinery, plant or structure of a factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process.
 - (b) Breakdown repairs to the motive powers, transmission of other essential plant of other factories, collieries, railways, dockyards, harbours, tramways, motor transport, gas, electrical generating and transmission, pumping or similar essential or public utility services carried out in general engineering works and foundries and which are necessary to enable such concern to maintain their main manufacturing processes, production or service during normal working hours.
 - (c) Repairs to deep sea ships and repairs to commercial air craft done in a factory which are essential to enable such ships or aircraft to leave port at proper time or continue their normal operations in a sea or air worthy condition, as the case may be.
 - (d) Repairs in connection with a change of motive power for example from steam to electricity or *vice versa* when such work cannot possibly be done without stoppage of the normal manufacturing process.
2. Periodical cleaning is not included in the term "examining or repairing".

By order,
P. K. MATTOO,
Secretary.